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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,525

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Artur Schworer

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KOHLER SCHMID MOEBUS
RUPPMANNSTRASSE 27
D-70565 STUTTGART,
GERMANY

EXAMINER

SMITH, MATTHEW J

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,525	Applicant(s) SCHWOERER, ARTUR	
	Examiner Matthew J. Smith	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35 and 37 is/are allowed.
- 6) ☒ Claim(s) 18-23, 25 and 39 is/are rejected.
- 7) ☒ Claim(s) 24, 26-34, 36 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20Apr06, 12Aug09</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the crane (claim 39) and flap (claim 23) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Foulquier (GB1021106).

Foulquier discloses a device for displacing a floor table, the device comprising: means, Fig. 6, for removing a formwork 12 from the floor table after a concrete floor P has hardened and for lowering the floor table onto roller 13; means for mounting ligaments or slings 10 to corresponding floor table holders 11 when the floor table has been retracted from below the hardened concrete floor; means, Fig. 5, for withdrawing the floor table, supported on the roller 13, from below the hardened concrete floor using a crane; the crane keeps the front sling tightened at a constant length, ensuring a substantially horizontal orientation of the floor table, Fig. 7; means 1 for tightening a sling 10, subsequently gradually shortening the sling, gradually extending another sling 10, gradually displacing a relocating unit 2 to a center of gravity, and the shortening and extension are controlled to keep the floor table in a substantially horizontal orientation, Fig. 8; and means 42 for moving, using the crane, the floor table out of the finished storey for further use as soon as the relocating unit has reached a position above the center of gravity of the floor table such that no load acts on the roller and for disposing the floor table onto the hardened concrete floor to produce a further storey.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foulquier in view of Colnot (3450280)

Foulquier discloses the invention substantially as claimed including the holders on a side of the floor table, but not the rear holder comprises a bollard and means for displacing the bollard out of the formwork surface towards the concrete floor, the bollard having a constriction in an end region facing the concrete floor, wherein the front and the rear holders are accessible to fasten the front and the rear ligaments in a retracted state of the floor table, without formwork, and disposed directly below a freshly hardened concrete floor, the bollard has an upper side which is flush with the form work surface in a retracted state of the bollard, the front and the rear holders of the floor table are accessible to fasten the front and rear ligaments when the floor table is lowered relative to the concrete floor by 50 cm or less, the front and the rear holders of the floor table are accessible to fasten the front and rear ligaments when the floor table is lowered relative to the concrete floor by 30 cm or less, the floor table having a working platform on an edge side, at least one of the front and the rear holders in a region of the

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at least one working platform, or at least one of the front and the rear holders is disposed on a side of the floor table.

Colnot shows, in Figures 8-11, a holder being a bollard 51 and means 44 for displacing the bollard out of a formwork surface towards the concrete floor; the bollard having a constriction in an end region facing the concrete floor; front and the rear holders, Fig. 4, accessible to fasten the front and the rear connections in a retracted state of the floor table, without formwork, and directly below a freshly hardened concrete floor 7a; the bollard having an upper side flush with the form work surface in a retracted state of the bollard; the holders accessible to fasten the front and rear connections when the floor table lowered relative to the concrete floor by 50 cm or less; the holders accessible to fasten connections when the floor table lowered relative to the concrete floor by 30 cm or less; the floor table having a working platform 35 on an edge side; and the holders disposed in a region of the working platform.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to attach the modified Foulquier device with the structure shown by Colnot since the Foulquier hook and the Colnot bollard are considered functional equivalents. Also, the Colnot structure is considered capable of access when the floor table lowered relative to the floor by 50 cm or less and therefor obvious

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foulquier in view of Colnot as applied to claim 18 above, and further in view of Martin (4462951).

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The combination discloses the invention substantially as claimed but not the formwork surface of the floor table having a flap that can be opened from a side of the floor table facing away from the concrete floor to allow a ligament of the crane harness to be guided through the open flap and mounted to a further holder on a side of the floor table facing away from the concrete floor, or the flap terminates flush with the formwork surface when the flap is closed.

Martin describes a formwork surface of a floor table having a flap 77 (col. 5, line 24) that can be opened from a side of the floor table facing away from the concrete floor to allow a ligament or cable 18 of a crane harness 17 to be guided through the open flap and mounted to a further holder on a side of the floor table facing away from the concrete floor; and the flap terminates flush with the formwork surface when the flap is closed.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Martin flap on the modified Foulquier formwork since the connection is well known.

Allowable Subject Matter

Claims 35 and 37 are allowed.

Claims 24, 26-34, 36, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moore et al. (3977536) depicts a form removing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is (571) 272-7034. The examiner can normally be reached on T-Th, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

/M. J. S./
Examiner, Art Unit 3635
8 September 2009